

EXHIBIT A

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:**(AVISO AL DEMANDADO):**

TECHTRONIC INDUSTRIES NORTH AMERICA, INC., a corporation
and DOES 1 through 500

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

WILLIAM JEFF HOLLEY and PHILLIP CALVIN

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**ENDORSED
FILED
ALAMEDA COUNTY**

FEB 16 2016

CLERK OF THE SUPERIOR COURT

By Maria Carrera
Maria Carrera, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson

1225 Fallon Street, Oakland, California, CA 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

JOHN E. HILL (Bar # 45338)

LAW OFFICES OF JOHN E. HILL, A Professional Corporation

333 Hegenberger Road, Suite 500, Oakland, CA 94621-1462

DATE:

(Fecha)

FEB 16 2016

Chad Finke

Clerk, by

(Secretario)

Maria Carrera

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

1 JOHN E. HILL, State Bar Number 45338
2 LAW OFFICES OF JOHN E. HILL
3 A PROFESSIONAL CORPORATION
333 Hegenberger Road, Suite 500
Oakland, California 94621
Telephone: (510) 588-1000
4 Fax: (510) 633-2504

5 Attorneys for Plaintiffs
6 WILLIAM JEFF HOLLEY & PHILLIP CALVIN

**ENDORSED
FILED
ALAMEDA COUNTY**

FFR 16 2016

CLERK OF THE SUPERIOR COURT
By Maria Carrera
Maria Carrera, Deputy

7 **SUPERIOR COURT OF CALIFORNIA,**
8 **COUNTY OF ALAMEDA,**
9 **UNLIMITED JURISDICTION**

11 WILLIAM JEFF HOLLEY; AND
12 PHILLIP CALVIN;

13 Plaintiffs,

14 vs.

15 TECHTRONIC INDUSTRIES NORTH
16 AMERICA, INC., a corporation;
and DOES 1 through 500;

17 Defendants.

Case No.

RG 16803771

COMPLAINT FOR DAMAGES

(Personal Injury; Products Liability;
Negligence; Loss of Consortium)

19 **FIRST CAUSE OF ACTION**

20 **AS AND FOR A FIRST CAUSE OF ACTION BASED UPON PRODUCTS**
21 **LIABILITY (DESIGN AND / OR MANUFACTURING DEFECT) AGAINST**
22 **TECHTRONIC INDUSTRIES NORTH AMERICA, INC., AND DOES 1 THROUGH 500,**
23 **PLAINTIFF WILLIAM JEFF HOLLEY ALLEGES:**

24
25 1. Plaintiff WILLIAM JEFF HOLLEY is, and at all times mentioned in this
26 Complaint was, a resident of the State of California.

27 //

1 2. Defendants DOES 1 through and including 500 are sued in this Complaint under
2 Code of Civil Procedure Section 474. The true names or capacities, whether individual,
3 corporate, governmental, partnership, associate or otherwise, of these defendants are unknown to
4 plaintiffs who, therefore, sue these defendants by fictitious names. Plaintiffs will amend this
5 Complaint to show their true names and capacities when they have been ascertained. Plaintiffs
6 are informed and believe, and on that basis allege, that each of the defendants designated as a
7 DOE is negligently responsible for the events and happenings referred to in this Complaint, and,
8 thereby, caused injuries and damages to the plaintiffs.

9
10 3. Plaintiffs are informed and believe, and on that basis allege, that at all times
11 mentioned in this Complaint defendant TECHTRONIC INDUSTRIES NORTH AMERICA,
12 INC., was a corporation incorporated pursuant to the laws of the State of California and has been
13 and now is authorized to and doing business in the County of Alameda, State of California.

14
15 4. Each and every reference in this Complaint to "defendants" shall be deemed to
16 refer to each and all defendants, unless a specific defendant is named or the context otherwise
17 requires.

18
19 5. Plaintiffs are informed and believe, and on that basis allege, that at all times
20 referred to in this Complaint each defendant was the agent and/or employee of each other
21 defendant and was acting in the course and scope of that agency and/or employment.

22
23 6. Plaintiff WILLIAM JEFF HOLLEY is informed and believes, and on that basis
24 alleges, that defendants TECHTRONIC INDUSTRIES NORTH AMERICA, INC., and DOES 1
25 THROUGH 500 are, and at all times mentioned in this complaint were, engaged in the business
26 of designing, manufacturing, assembling for sale, wholesaling and/or retailing sliding compound
27 miter saws and related equipment for sale to and use by members of the general public, including
28

1 plaintiff, under the Ryobi brand name, and as part of their business defendants TECHTRONIC
2 INDUSTRIES NORTH AMERICA, INC., and DOES 1 through 500 designed, manufactured,
3 assembled for sale, wholesaled, and/or retailed the particular Ryobi Model TSS100L sliding
4 compound miter saw with Serial Number J1331 98881 which was involved in the incident giving
5 rise to this action.

6
7 7. At all times relevant to this complaint defendants TECHTRONIC INDUSTRIES
8 NORTH AMERICA, INC., and DOES 1 through 500 knew and intended that the Ryobi Model
9 TSS100L sliding compound miter saw and related equipment would be purchased by members of
10 the general public and used by the purchasers and others without inspection for defects.

11
12 8. On or about March 9, 2015, plaintiff WILLIAM JEFF HOLLEY, was using the
13 Ryobi Model TSS100L sliding compound miter saw which was designed, manufactured,
14 assembled for sale, wholesaled and/or retailed by the defendants. The Ryobi Model TSS100L
15 sliding compound miter saw and related equipment designed, manufactured, assembled for sale,
16 wholesaled, and/or retailed by defendants TECHTRONIC INDUSTRIES NORTH AMERICA,
17 INC., and DOES 1 through 500 was defective and unsafe for its intended purpose in that, among
18 other defects, the bolt which held the blade guard in place was not properly secured to the saw,
19 causing it to come loose from the saw during normal operation and cause the blade guard to
20 separate from the saw, exposing the blade while the saw was being operated.

21
22 9. As a direct and proximate result of the defective condition of the Ryobi Model
23 TSS100L sliding compound miter saw, plaintiff WILLIAM JEFF HOLLEY suffered injuries
24 while using the Ryobi Model TSS100L sliding compound miter saw when the blade guard came
25 loose from the saw, exposed the blade while the saw was operating and caused plaintiff
26 WILLIAM JEFF HOLLEY'S left hand to come in contact with the blade.

27 //

1 10. As a direct and proximate result of the defective condition of the Ryobi Model
2 TSS100L sliding compound miter saw, plaintiff suffered injuries, including severing the second,
3 third and fourth digits on his left hand, mental and physical pain and suffering, and other injuries,
4 all to his general damage in an amount in excess of the jurisdictional requirements of this Court.
5

6 11. As a further direct and proximate result of the defective condition of the Ryobi
7 Model TSS100L sliding compound miter saw, plaintiff WILLIAM JEFF HOLLEY was required
8 to and did employ physicians and surgeons to examine, treat and care for him and did incur
9 medical and related expenses in a presently unascertained amount. Plaintiff WILLIAM JEFF
10 HOLLEY is informed and believes, and on that basis alleges, that he will be required to incur
11 additional medical and related expenses in the future in a presently unascertained amount.
12 Plaintiff WILLIAM JEFF HOLLEY will amend this Complaint to insert that amount when it has
13 been ascertained.
14

15 12. At the time of the incident alleged above plaintiff WILLIAM JEFF HOLLEY was
16 employed and had an earning capacity. As a further direct and proximate result of the defective
17 condition of the Ryobi Model TSS100L sliding compound miter saw, plaintiff WILLIAM JEFF
18 HOLLEY has suffered lost earnings and injury to his earning capacity in a presently
19 unascertained amount. Plaintiff WILLIAM JEFF HOLLEY will amend this Complaint to insert
20 that amount when it has been ascertained.
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SECOND CAUSE OF ACTION

**AS AND FOR A SECOND CAUSE OF ACTION BASED UPON PRODUCTS
LIABILITY (FAILURE TO WARN) AGAINST DEFENDANTS TECHTRONIC
INDUSTRIES NORTH AMERICA, INC., AND DOES 1 THROUGH 500, PLAINTIFF
WILLIAM JEFF HOLLEY ALLEGES:**

13. Plaintiff WILLIAM JEFF HOLLEY incorporates Paragraphs 1 through and including 9 of this Complaint into this Second Cause of Action.

14. Defendants' Ryobi Model TSS100L sliding compound miter saw and related equipment had risks associated with their use which were known to defendants TECHTRONIC INDUSTRIES NORTH AMERICA, INC., and DOES 1 through 500 at the time of the design, manufacture, distribution and / or sale of the equipment, including the risk of the blade guard detaching from the saw if not properly attached while a user was using the saw.

15. The potential risks associated with the use of the defendants' Ryobi Model TSS100L sliding compound miter saw and related equipment presented a substantial danger to users of the equipment, risks which persons such as plaintiff WILLIAM JEFF HOLLEY would not recognize.

16. Defendants TECHTRONIC INDUSTRIES NORTH AMERICA, INC., and DOES 1 through 500 failed to give adequate warning of the risks associated with the use of the Ryobi Model TSS100L sliding compound miter saw and related equipment and / or failed to adequately provide instruction or warning of the risks associated with the use and/or maintenance of the Ryobi Model TSS100L sliding compound miter saw and related equipment.

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1 17. On or about March 9, 2015, plaintiff WILLIAM JEFF HOLLEY was using the
2 Ryobi Model TSS100L sliding compound miter saw. The Ryobi Model TSS100L sliding
3 compound miter saw and related equipment designed, manufactured, assembled for sale,
4 wholesaled, and/or retailed by defendants was defective and unsafe for its intended purpose in
5 that, among other defects, defendants failed to warn or otherwise give notice of the risks
6 associated with the use of the Ryobi radial arm saw and related equipment, and in particular of
7 the risks associated with the failure of the bolt which held the blade guard in place to properly
8 secured the blade guard to the saw, causing it to come loose from the saw during normal
9 operation and causing the blade guard to separate from the saw, exposing the blade while the saw
10 was being operated, as well of the risks associated with maintenance and / or adjustment of the
11 bolt which secured the blade guard to the saw to prevent it from detaching, among other potential
12 hazards.

13
14 18. As a result of defendant TECHTRONIC INDUSTRIES NORTH AMERICA,
15 INC., and DOES 1 through 500's failure to adequately warn of the risks associated with the use
16 of the Ryobi Model TSS100L sliding compound miter saw and related equipment, and as a result
17 of defendant TECHTRONIC INDUSTRIES NORTH AMERICA, INC., and DOES 1 through
18 500's failure to adequately provide instruction about its use, plaintiff WILLIAM JEFF HOLLEY,
19 suffered injuries on March 9, 2015, including severing the second, third and fourth digits on his
20 left hand, mental and physical pain and suffering, and other injuries, all to his general damage in
21 an amount in excess of the jurisdictional requirements of this Court.

22
23 19. As a further direct and proximate result of defendants' conduct, plaintiff
24 WILLIAM JEFF HOLLEY was required to and did employ physicians and surgeons to examine,
25 treat and care for him and did incur medical and related expenses in a presently unascertained
26 amount. Plaintiff WILLIAM JEFF HOLLEY is informed and believes, and on that basis alleges,
27 that he will be required to incur additional medical and related expenses in the future in a
28

1 presently unascertained amount. Plaintiff WILLIAM JEFF HOLLEY will amend this Complaint
2 to insert that amount when it has been ascertained.

3
4 20. At the time of the incident alleged above plaintiff WILLIAM JEFF HOLLEY was
5 employed and had an earning capacity. As a further direct and proximate result of defendants'
6 conduct, plaintiff WILLIAM JEFF HOLLEY has suffered lost earnings and injury to his earning
7 capacity in a presently unascertained amount. Plaintiff WILLIAM JEFF HOLLEY will amend
8 this Complaint to insert that amount when it has been ascertained.

9
10 **THIRD CAUSE OF ACTION**

11 **AS AND FOR A THIRD CAUSE OF ACTION CAUSE OF ACTION BASED**
12 **UPON NEGLIGENCE AGAINST DEFENDANTS TECHTRONIC INDUSTRIES**
13 **NORTH AMERICA, INC., AND DOES 1 THROUGH 500, PLAINTIFF WILLIAM JEFF**
14 **HOLLEY ALLEGES:**

15
16 21. Plaintiff incorporates Paragraphs 1 through and including 7 of this Complaint
17 into this Third Cause of Action.

18
19 22. On or about March 9, 2015, plaintiff WILLIAM JEFF HOLLEY, was using the
20 Ryobi Model TSS100L sliding compound miter saw which was designed, manufactured,
21 assembled for sale, wholesaled and/or retailed by the defendants.

22
23 23. Plaintiffs are informed and believe, and on that basis allege, that on or about
24 March 9, 2015, defendants TECHTRONIC INDUSTRIES NORTH AMERICA, INC., and
25 DOES 1 through 500 so negligently and carelessly owned, designed, constructed, assembled,
26 operated, supervised, leased, maintained, repaired and / or controlled the particular Ryobi Model
27 TSS100L sliding compound miter saw with Serial Number J1331 98881 and related equipment
28

1 being used by plaintiff so as to cause the bolt which held the blade guard in place to fail to
2 properly secure the blade guard to the saw, causing it to come loose from the saw during normal
3 operation and causing the blade guard to separate from the saw, exposing the blade while the saw
4 was being operated, among other negligent acts.

5
6 24. As a direct and proximate result of the defendants' negligence, plaintiff
7 WILLIAM JEFF HOLLEY suffered injuries while using the Ryobi Model TSS103L sliding
8 compound miter saw when the blade guard came loose from the saw, exposed the blade while the
9 saw was operating and caused plaintiff WILLIAM JEFF HOLLEY'S left hand to come in contact
10 with the blade.

11
12 25. As a direct and proximate result of the defendants' negligence, plaintiff suffered
13 injuries, including severing the second, third and fourth digits on his left hand, mental and
14 physical pain and suffering, and other injuries, all to his general damage in an amount in excess
15 of the jurisdictional requirements of this Court.

16
17 26. As a further direct and proximate result of the defendants' negligence, plaintiff
18 WILLIAM JEFF HOLLEY was required to and did employ physicians and surgeons to examine,
19 treat and care for him and did incur medical and related expenses in a presently unascertained
20 amount. Plaintiff WILLIAM JEFF HOLLEY is informed and believes, and on that basis alleges,
21 that he will be required to incur additional medical and related expenses in the future in a
22 presently unascertained amount. Plaintiff WILLIAM JEFF HOLLEY will amend this Complaint
23 to insert that amount when it has been ascertained.

24
25 27. At the time of the incident alleged above plaintiff WILLIAM JEFF HOLLEY was
26 employed and had an earning capacity. As a further direct and proximate result of the
27 defendants' negligence, plaintiff WILLIAM JEFF HOLLEY has suffered lost earnings and injury
28

1 to his earning capacity in a presently unascertained amount. Plaintiff WILLIAM JEFF HOLLEY
2 will amend this Complaint to insert that amount when it has been ascertained.

3
4 **FOURTH CAUSE OF ACTION**

5 **AS AND FOR A FOURTH CAUSE OF ACTION FOR LOSS OF CONSORTIUM**
6 **AGAINST ALL DEFENDANTS, PLAINTIFF PHILLIP CALVIN ALLEGES:**

7
8 28. Plaintiff PHILLIP CALVIN incorporates Paragraphs 1 through and including 27
9 of this Complaint into this Furth Cause of Action.

10
11 29. Plaintiff PHILLIP CALVIN is, and at all times relevant to this Complaint has
12 been, the spouse of plaintiff WILLIAM JEFF HOLLEY.

13
14 30. As a direct and proximate result of the conduct of the defendants in bringing about
15 the injuries suffered by plaintiff WILLIAM JEFF HOLLEY, plaintiff PHILLIP CALVIN has
16 suffered interference with his marital relationship with plaintiff WILLIAM JEFF HOLLEY, all to
17 his general damage in an amount in excess of the jurisdictional requirements of this Court.

18
19 WHEREFORE, plaintiffs pray for judgment against the defendants, and each of them, as
20 follows:

21 **FIRST CAUSE OF ACTION:**

- 22 1. General damages according to proof;
23 2. Special damages according to proof;
24 3. Interest at the legal rate;
25 4. Costs of suit; and
26 5. Such other and further relief as this Court
27 deems just and proper.
28

1 SECOND CAUSE OF ACTION:

- 2 1. General damages according to proof;
3 2. Special damages according to proof;
4 3. Interest at the legal rate;
5 4. Costs of suit; and
6 5. Such other and further relief as this Court
7 deems just and proper.

8 THIRD CAUSE OF ACTION:

- 9 1. General damages according to proof;
10 2. Special damages according to proof;
11 3. Interest at the legal rate;
12 4. Costs of suit; and
13 5. Such other and further relief as this Court
14 deems just and proper.

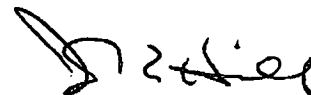
15 FOURTH CAUSE OF ACTION:

- 16 1. General damages according to proof;
17 2. Special damages according to proof;
18 3. Interest at the legal rate;
19 4. Costs of suit; and
20 5. Such other and further relief as this Court
21 deems just and proper.

22 DATED: February 10, 2016

LAW OFFICES OF TIM E. HILL
A Professional Corporation

23
24
25 By:



26 JOHN E. HILL
27 Attorneys for Plaintiffs WILLIAM JEFF
28 HOLLEY and PHILLIP CALVIN